REMARKS/ARGUMENTS

After entry of this amendment, claims 1-2, 4, 6-8, 10-12, 17, 21-28, 31-58, 60-102 are pending. Claims 1-2, 4, 6-8, 10-12, 17, 21-24, 31-32, 82-90, 93-102 are under considerations, claims 26-28, 38-58, and 60-81 having been withdrawn and claims 14-15 and 92-93 having been canceled. Applicants use the paragraph numbering of the office action in responding to the Examiner's comments. No amendment should be construed as an acquiescence in any basis of the rejection.

¶¶6-10. Applicants maintains their previous comments regarding the election of species rejection but note that the Examiner will allow rejoinder of withdrawn species if a generic claim is indicated allowable.

¶11. Claims 14-15 and 91-92 are object to for not further limiting claim 1 or 82. These claims have been cancelled mooting the rejection.

¶¶12-14. Claims 1-2, 4, 6-8, 10-12, 14-15, 17, 21-24, 32-32, 35-37 and 82-102 stand rejected for obviousness-type double patenting over US 6,761,888 and US 6,743,427. Without acquiescing in the rejection, applicants agree to file a terminal disclaimer on notification of otherwise allowable subject matter.

¶15. Contrary to the Examiner's position the present application does not currently name joint inventors.

¶16. Claims 1-2, 4, 6-8, 10-12, 14-15, 17, 21-24, 31-32, 35, 37 and 82-102 stand rejected as allegedly obvious over Nettleship, Walker, Better and Friedland. Nettleship is alleged to teach use of antibodies for treatment of Alzheimer's disease. The Examiner acknowledges that Nettleship does not teach selection of the IgG1 istoype of antibody. Walker is alleged to teach in vivo labeling of cerebral amyloid using an IgG1 isotype antibody. Better is

alleged to teach chimeric or humanized monoclonals of the IgG1 isotype to provide advantages of decreased hyperimmunogenicity as well as prolonged half-life. Friedland is alleged to teach the proper dosage to a mammal such as a human. This rejection is respectfully traversed.

None of the secondary references compensates for the acknowledged deficiency in Nettleship in teaching the human IgG1 isotype. The 10D5 antibody used by Walker is of mouse IgG1 isotype. Mouse IgG1 isotype is not the equivalent of human IgG1 isotype. Instead, mouse IgG1 is the equivalent of human isotype IgG2a (*see* Paul ed., *Fundamental Immunology*, 838, Raven Press (1993), attached hereto). Therefore, if Walker provides any relevant teaching at all, which is denied, it is a teaching away from the claimed invention.

Better discusses improved immunogenicity and half-life of chimeric antibodies relative to mouse antibodies. However, such improvements are attributed to the "human specific" properties of chimerics (Better at col. 3, lines 42-52) rather than to any particular human isotype. Better provides no indication that the human IgG1 isotype is better than any other human isotype for providing improved immunogenicity or half-life. Therefore, Better, like Walker, does not compensate for the deficiency in Nettleship.

Friedland discusses staining tissue sections with a mouse antibody. In these experiments the Fab form of the antibody stained as well as intact antibody suggesting that isotype of antibody is unimportant.

None of the secondary references, individually or in combination, would have provided any motivation to select the human IgG1 isotype thereby compensating for the acknowledged deficiency of Nettleship.

Applicants disagree with many of the Examiner's other comments regarding the cited references at least for the reasons explained in previous responses. However, because all of the present claims are distinguished for the reasons given above, it is unnecessary to further address these points at this time.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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